

REMARKS

Claims 1, 2, 4-10, 12-19 and 21-26 are pending in the application. The Examiner rejected Claims 1, 2, 4-10, 12-19 and 21-26 under 35 U.S.C. §103(a) as being unpatentable over Kovesdi et al. (U.S. Publication 2003/0155413) in view of Willins et al. (U.S. Publication 2005/0108646).

Regarding the rejection of independent Claims 1, 9 and 18 under §103(a), the Examiner states that Kovesdi in view of Willins renders the claims unpatentable. Kovesdi discloses a system and method for authoring and providing information relevant to a physical world; and, Willins discloses a telemetric contextually based spatial audio system integrated into a mobile terminal wireless system.

Claims 1, 9 and 18 recite, in part, consulting the directional tags to audibly present each class from a different position in space relative to a user and based on the directional tags. That is, the audio (i.e. the sound itself) is presented from different positions in space relative to the user. In addition to controlling what is being output to a user, the claims of the present application deal with how (i.e. from which direction) the audio is output to a user. The directional tags control the position in space from where the audio is output. As shown in FIG. 1 of the present application, the direction tags control the direction from where the audio is output relative to the user, which can be from in front of, behind, to the left or right, from above or below, etc., the user.

The Examiner alleges that the claims “merely recite that the tags are presented from based on where the user is.” It is respectfully submitted that this is an incorrect reading of the claims. The claims do not recite that tags are presented to a user. The claims do not recite that presentation is based on where a user is. The claims recite consulting the directional tags to audibly present each class from a different position in space relative to a user and based on the directional tags. As stated above, the claims relate in part to how, that is from where, audio is output from the system. The directional tags control from where the audio is output (e.g. in front, above, from the left, etc.) The Examiner’s interpretation of the claims is not supported by the

plain meaning of the claims.

With respect to the art cited by the Examiner, it is respectfully submitted that neither Kovesdi nor Willins outputs audio from different positions in space relative to a user, and therefore the combination of Kovesdi and Willins cannot render the claims of the present application unpatentable.

Kovesdi only discloses a 2-dimensional visual display, which is clearly different from the claims of the present application. Kovesdi discloses no system or method wherein an audio output is presented from any different directions.

Willins teaches a system where audio is output from a headset. Directionally, the audio does not output from the headset any differently regardless of the direction the headset is oriented. The actual direction of presentation of the audio in the headset does not change regardless of the location of the object being described to the user; there is no 3-dimensional directional aspect of the audio output to the user.

Thus, the combination of Kovesdi and Willins cannot render the claims of the present application unpatentable.

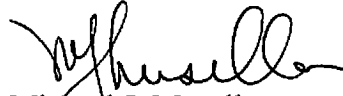
Based on at least the foregoing, withdrawal of the rejections of Claims 1, 2, 4-10, 12-19 and 21-26 under §103(a) is respectfully requested.

Independent Claims 1, 9 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 5-8, 13-17 and 22-26, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 5-8, 13-17 and 22-26 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 5-9, 13-18

and 22-26, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

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